United Nations S/AC.49/2006/34

Security Council

Distr.: General
4 December 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 30 November 2006 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and, with reference to paragraph 11 of Security Council resolution 1718, has the honour to transmit Switzerland's report on the implementation of the aforementioned resolution (see annex).

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Annex to the note verbale dated 30 November 2006 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

[Original: French]

Report by Switzerland pursuant to Security Council resolution 1718 (2006)

The nuclear test which the Democratic People's Republic of Korea announced it had carried out on 9 October 2006 has exacerbated tensions in the region and beyond. Switzerland condemns this test, which runs counter to the efforts made by the international community to achieve non-proliferation of nuclear weapons, and welcomes the decisive response of the Security Council. Switzerland has moved rapidly to implement the measures imposed by resolution 1718 (2006).

On 25 October 2006 the Swiss Federal Council (the Government) adopted an ordinance establishing measures against the Democratic People's Republic of Korea, (hereinafter referred to as "the ordinance", copy attached). Pursuant to this ordinance, which entered into force on 26 October 2006, Switzerland is implementing the enforcement measures set forth in paragraph 8 of resolution 1718 (2006). The legal basis for the ordinance is the Federal Law on the implementation of International Sanctions of 22 March 2002.

In paragraph 11 of resolution 1718 (2006), the Security Council calls upon all Member States to report to it on the steps they have taken with a view to implementing effectively the provisions of paragraph 8. A detailed description of measures taken by Switzerland follows:

Para. 8 (a) (i)

Article 1, subparagraph 1, of the ordinance prohibits the "supply, sale or transfer to the Democratic People's Republic of Korea of battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships and missiles or missile systems, as well as their accessories and spare parts".

Under the Federal Law on War Materiel of 13 December 1996 and the Federal Law on the Control of Goods and their implementation warrants of 13 December 1996, Switzerland has prohibited and continues to prohibit the export to the Democratic People's Republic of Korea of items contained in the munitions list of the Wassenaar Arrangement. This list is more complete than the list of materiel prohibited under paragraph 8 (a) (i).

Para. 8 (a) (ii)

Article 1, subparagraph 2 of the ordinance prohibits the "supply, sale or transfer to the Democratic People's Republic of Korea of the goods, including technologies and software, referred to in annex 1". According to annex 1, all goods controlled by the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG) and the Australia Group (AG) are subject to the prohibitions of article 1, subparagraph 2 of the ordinance. The export of toxic chemical products and their precursors listed in the annex to the Chemical Weapons Convention

(CWC) is controlled by the ordinance of 3 September 1997 on the control of chemical products issued by the Swiss Federal Council, as well as by the ordinance of 12 September 1997 on the control of chemical products issued by the Federal Department of Economic Affairs.

Para. 8 (a) (iii)

Article 2 of the ordinance prohibits the "supply, sale or transfer to the Democratic People's Republic of Korea of luxury articles cited in annex 2". The provisional list of 17 categories of luxury goods contained in annex 2 is based on the nomenclature of the Harmonized System of the World Customs Organization.

Switzerland hopes that, pursuant to paragraph 12 (f), the Security Council committee will publish shortly a clear definition and a list of luxury goods binding on all Member States, in order to ensure uniform application of the embargo worldwide. The development at the national level of lists of goods subject to sanctions will necessarily lead to disparities among Member States, which will be prejudicial to the sanctions effectiveness.

Para. 8 (b)

Article 1, subparagraph 3 of the ordinance prohibits the "acquisition, purchase or transfer from the Democratic People's Republic of Korea of goods referred to in subparagraphs 1 and 2".

Para. 8 (c)

Article 1, subparagraph 4 of the ordinance prohibits the "supply and receipt of services of all kinds, including financing, brokerage and technical training, related to the supply, acquisition, manufacture, maintenance or use of the goods referred to in subparagraphs 1 and 2".

Paras. 8 (d) and (e)

Article 3 of the ordinance provides for the freezing of assets and economic resources belonging to or under the control of persons, enterprises or entities designated by the Committee or by the Security Council. Making assets or economic resources available is also prohibited. Article 4 prohibits the entry into Switzerland or the transfer through Switzerland of natural persons designated by the Committee or the Security Council. The names of individuals, enterprises or entities affected by the financial and travel restrictions will be included in annexes 3 and 4 respectively as soon as the Committee or the Council has published a list of names.

Para. 8 (f)

Switzerland supports the principles of the Proliferation Security Initiative (PSI) and has already participated in exercises and conferences. As a country without maritime ports, Switzerland is not among the group of countries primarily affected by PSI activities.